

**Maryland Board of Pharmacy
Public Board Meeting**

**Agenda
June 17, 2020**

Name	Title	Present	Absent
Ashby, D.	Commissioner		
Bouyoukas, E	Commissioner		
Evans, K.	Commissioner		
Fink, K.	Commissioner		
Hardesty, J.	Commissioner/Treasurer		
Geigher, P.	Commissioner		
Leikach, N.	Commissioner		
Morgan, K.	Commissioner/President		
Oliver, B	Commissioner		
Rusinko, K.	Commissioner/Secretary		
Singal, S.	Commissioner		
Yankellow, E.	Commissioner		
Bethman, L.	Board Counsel		
Felter, B.	Board Counsel		
Speights-Napata, D.	Executive Director		
Fields, E.	Deputy Director /Operations		
James, D.	Licensing Manager		
Leak, T.	Compliance Director		
Clark, B.	Legislative Liaison		
Chew, C.	Management Associate		

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I. Executive Committee Report(s)	A.) K. Morgan, Board President B.)K. Rusinko, Secretary	Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda. 1. Call to Order 2. Sign-in Introduction and of meeting attendees – (Please indicate on sign-in sheet if you are requesting CE Units for attendance) 3. Distribution of Agenda and packet materials 4. Review and approve May 2020 Public Meeting Minutes											
II. A. Executive Director Report	D. Speights-Napata, Executive Director	1. COVID-19 logistics update 2. New Staff 3. Meeting Update											
B. New Business	K. Morgan, Board President	1. None											
C. Operations	E. Fields, Deputy Director/ Operations	1. Procurement and Budget Updates a: May 2020 Financial Statements 2. Management Information Systems (MIS) Unit Updates a: None											
D. Licensing	E. Bouyoukas, Commissioner	1. Unit Updates 2. Monthly Statistics <table><tr><td>License Type</td><td>New</td><td>Renewed</td><td>Reinstated</td><td>Total</td></tr><tr><td>Distributor</td><td>18</td><td>0</td><td>0</td><td>1,399</td></tr></table>	License Type	New	Renewed	Reinstated	Total	Distributor	18	0	0	1,399	
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E. Compliance	T. Leak, Compliance Director	<div>1. Unit Updates</div> <div>2. Monthly Statistics</div> <div>Complaints & Investigations:</div> <div>New Complaints – 22</div> <div><div>• Customer Service – 2</div><div>• Employee Pilferage – 1</div><div>• Disciplinary Action in Another State – 7</div><div>• Unprofessional Conduct – 1</div></div>																																									

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		<ul style="list-style-type: none"> • Dispensing Error – 1 • Invalid/Expired CPR – 7 • Sterile Compounding Error – 1 • Inspection Issues – 2 <p>Resolved (Including Carryover) – 49 Actions within Goal – 49/49 Final disciplinary actions taken – 0 Summary Actions Taken – 0 Average days to complete – 0</p> <p>Inspections:</p> <p>Total - 152 Annual Inspections - 141 Opening Inspections - 9 Closing Inspections - 1 Relocation/Change of Ownership Inspections - 1 Board Special Investigation Inspections – 0</p>	
F. Legislation & Regulations	B. Clark, Legislative Liaison	<p><u>Regulations</u> None</p> <p><u>Legislation</u> None</p>	
III. Committee Reports		Bob Bauman, Qualanex - My company is interested in providing support for your consumer drug take back legislation (attached). Qualanex specializes in providing reverse logistics services to pharmaceutical manufacturers to support their management of trade returns, recalls, and	

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A. Practice Committee	Evans, K. Commissioner	<p>waste characterization and disposition. Waste Management is an equity partner in our company.</p> <p>Our customers have been coming to us asking what to do about the consumer take back initiative. As the rate of states passing legislation mandating they fund these programs, they are concerned about maintaining compliance in a cost effective fashion. Qualanex is interested in developing a stewardship program that helps address this issue. We are particularly interested in the state of MD as a potential starting point to develop a program, perhaps a pilot, and wondered about the process to apply, the relevant legislation, etc.</p> <p>Proposed Response:</p> <p>In Maryland, drug takeback programs are voluntary for pharmacies. Maryland does not mandate that pharmacies nor drug manufacturers <i>fund</i> any sort of takeback program. However, if pharmacies wish to become a prescription drug repository site, they can apply to do so on a voluntary basis. (See also Code of Maryland Regulations (COMAR) 10.34.33.01-.07.)</p> <p>The Board of Pharmacy currently has no legislative initiatives respecting new or different drug takeback programs, nor is it aware of any proposed legislation that would require pharmacy-funded takeback programs in Maryland.</p> <p>For further information, you may wish to contact a Maryland legislator with your proposal and questions.</p> <p>Mark Berge - I have questions regarding the scope-of-practice (and similar) limitations of pharmacy technicians in Maryland. COMAR 10.34.34.03A(4) prohibits pharmacy technicians from giving information or explanation about the safe/effective use of prescription/nonprescription drugs/devices. My question is are such regulations still in effect during the state of emergencies while pharmacies are trying to provide community solutions to the SARS-CoV-2 pandemic, especially as it relates to</p>	

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		<p>considerations of COVID-19, and, in particular, does the Maryland Board of Pharmacy object to pharmacy technician acts in the following questions:</p> <p>(1) May technicians explain to patients how to use COVID-19 self-administered tests?</p> <p>(2) May technicians explain the effective use of items that are in far more demand (often with manufacturer backorders and other supply issues) now but may also be considered medical devices, such as digital thermometers, surgical masks, rubbing alcohol, specimen collection containers, and pulse oximeters?</p> <p>Proposed Response:</p> <p>In the community pharmacy setting, none of the laws or regulations governing technician practice have been waived, relaxed, or otherwise modified.</p>	
B. Licensing Committee	D. Ashby, Chair	<p>1. Review of Pharmacist Applications:</p> <p>a. Applicant# 118380- Applicant is requesting an extension of his ATT numbers for both the MPJE and NAPLEX, which expired on 03/11/2020. <i>Committee recommendation: Extend ATT numbers to match the expiration of the new application, must submit new application to the Board.</i></p> <p>b. Applicant# 121357 - Applicant is requesting an extension of his Board application until he is able to take the MPJE. He will not be able to sit for the exam until 06/06/2020. <i>Committee recommendation: Deny, must reapply</i></p> <p>c. Applicant #120915- Applicant is requesting an extension of the Board's application. She was not aware the Board's application was due to expire.</p>	

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		<p><i>Committee recommendation: Deny, must reapply</i></p> <p>d. Applicant# 125475- Applicant is requesting a refund of the Board's application fee of \$300. Her spouse was planning on leaving the service and moving to Maryland to pursue a Masters at Hopkins, but due to the virus, timelines and needs have changed and this is no longer the case. <i>Committee recommendation: Approve</i></p> <p>e. Applicant# 118757 (118757 A1 and 118757 A2)- Applicant is requesting a waiver of the Board's application fee. Applicant is also requesting ADA accommodations, to have 50% more time for the exam(s) due to health issues. <i>Committee recommendation: Approve ADA accommodations, must reapply with the Board</i></p> <p>f. Applicant# 122220 – Applicant is requesting an extension of the Board's Reciprocity application. Due to COVID 19, she has been unable to take time off to prepare for the exam. <i>Committee recommendation: Must reapply</i></p> <p>g. Applicant# 120706 - Applicant is requesting an extension to test for the NAPLEX. Applicant is activated with the Military and will not be able to return to Maryland until January 2021. <i>Committee recommendation: Approve extension for the NAPLEX and Board applications until March 31, 2021</i></p> <p>h. Applicant# 120462 - Notice received from NABP requesting approval for applicant to sit for the NAPLEX for a sixth time.</p>	

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		<p><i>Committee recommendation: Approve, must reapply with the Board.</i></p> <p>i. Applicant# 121239 - Applicant is requesting approval of an extension to take his MPJE, his deadline to take the exam is 05/21/2020. <i>Committee recommendation: Deny, must reapply for the MPJE</i></p> <p>j. Applicant# 125754 - Applicant is requesting the Board extend his ATT approval which expired on 05/22/2020. He is scheduled to take the MPJE 06/26/2020. <i>Committee recommendation: Approve ATT until June 30, 2020</i></p> <p>k. Applicant# 121526- Applicant's BOP application expired 05/21/2020, he took and passed the MPJE 05/23/2020. His original testing date for the MPJE was 03/21/2020 but was cancelled due to COVID 19. He is requesting the Board allow for his license to be issued without having to pay again. <i>Committee recommendation: Approve</i></p> <p>l. Applicant# 123180 - Applicant is requesting to take the MPJE for a sixth time. <i>Committee recommendation: Approve</i></p> <p>2. Review of Pharmacy Intern Applications:</p> <p>a. Applicant# 120833 - Registrant is foreign graduate and is requesting a one-year extension to finish obtaining the required 1,560 intern hours. Due to her child's health issues and COVID 19, she has been unable to continue the accumulation of her</p>	

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		<p>Intern hours. She has completed approximately 458.5 hours. Committee recommendation: Extend registration until March 28, 2021.</p> <p>b. Applicant# 108817- Registrant is requesting that his registration be extended until 12/31/2020 to allow for him to sit for the exams. Committee recommendation: Extend registration until 10/31/2020</p> <p>3. Review of Pharmacy Technician Applications:</p> <p>a. Applicant# 125440 (125440 A1 and 125440 A2)- The Board received an Initial Technician Application on 05/04/20. A status email was sent to the applicant on 05/04/20 requesting the following information: Proof of Board-approved Training Program Exam Score, Certificate of Completion, Page #4 section #3 Training Information and Maryland CJIS background results. Once the above has been received, processing of the application can continue. Applicant explains: I believe I've sent the wrong application, I'm just a helper I believe at the pharmacy that's what I was applying for, and I don't know how I got to the technician part I wasn't aware that I had to go through a training and all of that, so I don't know if I was supposed to even do that. I do not want to proceed with the process of the application for pharmacy technician, if I can please get a refund. Committee recommendation: Approve refund.</p> <p>4. Review of Distributor Applications: NONE</p>	

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		<p>5. Review of Pharmacy Applications:</p> <p>a. Padonia Village Pharmacy - Pharmacy is requesting a refund of the renewal fee. <i>Committee recommendation: Approve refund</i></p> <p>6. Review of Pharmacy Technicians Training Programs:</p> <p>a. University of Maryland Technician Training Program <i>Committee recommendation: Approve</i></p> <p>7. New Business:</p> <p>a. Janet Petula (Grane Rx) - Follow –up to a question previously submitted to the Board regarding “Interim Boxes”. Specific to the Interim Box (Omniceil Medication Storage Cabinet) defined as follows: Sec. 10.34.28.02 Definitions “Interim box” means a tamper evident and secure container or secure electronic storage system holding minimal quantities of medications agreed on by the health care facility intended to expedite immediate initiation of emergency or nonemergency dosing until the pharmacy is able to provide a regular supply. May nursing staff at the healthcare facilities stock an Interim Box as defined above? <i>Committee recommendation: Under 10.34.23.09(g) the stocking of the interim box must have the final check by the Pharmacist. Include disclaimer.</i></p>	
C. Public Relations Committee	E. Yankellow, Chair	Public Relations Committee Update:	

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D. Disciplinary	J. Hardesty, Chair	Disciplinary Committee Update	
E. Emergency Preparedness Task Force	N. Leikach, Chair	Emergency Preparedness Task Force Update	
IV. Other Business & FYI	K. Morgan, President		
V. Adjournment	K. Morgan, President	<p>A. The Public Meeting was adjourned.</p> <p>B. K. Morgan convened a Closed Public Session to conduct a medical review committee evaluation of confidential applications.</p> <p>C. The Closed Public Session was adjourned. Immediately thereafter, K. Morgan convened an Administrative Session for purposes of discussing confidential disciplinary cases.</p> <p>D. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Closed Public Session and the Administrative Session.</p>	